REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on June 30, 2006. At the time the Examiner mailed the Office Action claims 1-23 were pending. By way of the present response the Applicants have: 1) amended no claims; 2) added no new claims; and 3) canceled no claims. As such, claims 1-23 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections 35 USC §102

Claims 1-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Morshed, et al. US Patent 6,721,941 B1, (hereinafter "Morshed").

In reference to claims 1, 8, and 17, Applicants respectfully submit that Morshed does not describe all of the features of the claims. More specifically, Morshed does not at least describe:

(1) selecting between a first communication channel and a second communication channel based on the detected type of command; and

(2) executing a test script having one or more commands for testing the application.

Morshed describes a technique for gathering execution information about an application. Morshed describes gathering statistics for applications, such as wire time, code coverage, and performance. Morshed does not describe,

collector communication channel) is reserved for collecting data about operations during normal operation of the system.

That the collector communication channel cannot be selected for execution of a command of a test script is further evidenced in Morshed's description of the two communication channels, "[T]he server system establishes the collector communication channel between the client collector and the server collector using information as included in the remote procedure call." Column 49, lines 40-43. Hence, the second communication channel is used to send the remote procedure call from the client to the server. Then, the first communication channel is opened depending upon the information received by the server through the second communication channel. Therefore, the first communication channel depends upon the operation of the second communication channel. As a result, notwithstanding that the first communication channel is exclusively for transmitting execution data and exists solely between collectors, the first communication channel cannot be selected exclusive from the second communication channel. Thus, Morshed does not describe selecting between a first communication channel and a second communication channel based on the detected type of command.

In addition, Morshed does not describe executing a test script having one or more commands for testing an application. The present action refers to column 69, lines 1-15, as describing the feature of the present claims. At column 69, lines 1-15, Morshed describes monitoring a program (e.g., test.exe in

Morshed) "being tested." While Morshed uses the language that a program is "being tested," Morshed is not describing testing an application for, for example, debugging. The statement that the test.cc program is being tested comes during Morshed's description of **Figure 56** beginning on column 68, line 60. On column 68, lines 45-49, Morshed describes that, "...FIG. 56...[is an] embodiment[] that may be used to gather a portion of platform data. Platform data generally includes system configuration information and software data that describes a software programming environment." "Configuration information" and "software data" as described by Morshed is not for testing an application for, for example, debugging. The "configuration information" and "software data" are execution data collected by collectors. See column 68, lines 49-59. Therefore, while Morshed states testing a program, Morshed is in reality describing collecting execution data of a distributed program being executed.

Furthermore, while Morshed states test.exe is the program "being tested," Morshed does not describe a test script. Morshed instead describes a program to gather execution data (which later is available to the client and server system collectors). See column 69, lines 5-19. Therefore, Morshed does not describe executing a test script having one or more commands for testing an application.

Hence, Morshed does not describe all of the features of claims 1, 8, and 17. As a result, Applicants respectfully submit that claims 1, 8, and 17 are in condition for allowance. Since claims 2-7, 9-16, and 18-23 depend from independent claims 1, 8, or 17 and include additional features, Applicants

respectfully submit that claims 2-7, 9-16, and 18-23 are also in condition for allowance.

In light of the comments above, Applicants respectfully request the allowance of all claims.

CONCLUSION

For the reasons provided above, Applicants respectfully submit that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10/2___, 2006
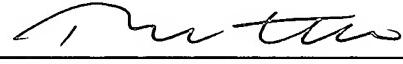
Thomas C. Webster
Reg. No. 46,154

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300